



Federal Communications Commission
Washington, D.C. 20554

February 6, 2018

Hearst Stations, Inc.
PO Box 1800
Raleigh, NC 27602

Re: Request for Waiver of Deadline To
Implement Shared Channel Operations
WNNE, Montpelier, VT
Facility ID No. 73344
LMS File No. 0000041203

Dear Licensee,

On February 2, 2018, Hearst Stations, Inc. (Hearst) submitted the above-captioned request for waiver for WNNE, Montpelier, Vermont (Station) of its April 23, 2018, deadline to implement shared channel operations and discontinue operations on its pre-auction channel (channel sharing implementation deadline).¹ For the reasons set forth below, we grant the request for waiver, extend the channel sharing implementation deadline to July 23, 2018.

Background. The Commission instructed that channel sharee stations² must implement shared channel operations and discontinue operations on their pre-auction channels by January 23, 2018.³ A channel sharee station may request a waiver of the channel sharing implementation deadline.⁴ All such requests for waiver will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁵

¹ See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786, 2813, para. 76 (MB & WTB 2017) (*Closing and Channel Reassignment Public Notice*); see also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 879, para. 63 (MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(4)(ii).

² Absent any contrary information from the station, any station that indicated it had a pre-auction channel sharing agreement (CSA) and/or an intent to channel share on its reverse auction FCC Form 177 is considered a channel sharee station until the station fails to meet or obtain a waiver of the channel sharing application filing deadline.

³ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879-80, paras. 63-64.

⁴ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2814, para. 81; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69. Channel sharee stations may request an additional 90 day waiver of the deadline (for a total of 180 additional days) using the same procedure. *Id.*

⁵ *Id.*

A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.⁶

Hearst was previously granted a waiver extending its channel sharing implementation deadline to April 23, 2018.⁷ In support of its second request for waiver of the deadline, Hearst notes that Station was a winning relinquishment bidder in the reverse auction and will be channel sharing with commonly-owned WPTZ, Plattsburgh, New York. In order to share with WPTZ and continue to meet the Commission's principal community signal requirements, Hearst sought and was granted authority to change Station's community of license to Montpelier, Vermont. Hearst states that this change will result in a loss of service to some of Station's viewers. Hearst explains that loss of service has been a concern for certain of Vermont's Congressional delegation. To prolong, for as long as possible, Station's service to Hartford, Vermont and to its existing viewers while it completes the transition to its shared operation, Hearst requests a second waiver of the channel sharing implementation deadline.

Hearst argues that grant of its waiver request will cause no delay or disruption to the post-auction transition schedule and will serve the public interest. Hearst notes that stations in the Burlington-Plattsburgh DMA have all been assigned to transition Phase 7 or later and will not start testing until October 19, 2019, and must have their construction and testing completed by January 17, 2020. Hearst maintains that both dates are well beyond its extended implementation date of July 23, 2018.

Hearst also argues that grant will not delay or disrupt wireless providers commencing service because Station's pre-auction channel is 25 and not within the new 600 MHz band.

Finally, Hearst concludes, waiver of the channel sharing implementations date will serve the public interest by prolonging for ninety more days first local transmission service and over-the-air viewing that will otherwise be removed once Station commences channel sharing operations with WPTZ. Thus, Hearst argues, viewers will be positively impacted if allowed an additional ninety days of service by Station from its current facilities, mitigating concerns expressed by the Congressional delegation from Vermont by prolonging over-the-air broadcast service to Station's current viewers for as long as possible.

Discussion. Upon review of the facts and circumstances presented, we find Hearst's request to extend the channel sharing implementation deadline until July 23, 2018, satisfies the requirements for a waiver. We find that it would not be consistent with the public interest to require Station to implement its shared channel operations by its current deadline. Hearst has demonstrated that the public interest will be served by allowing it to continue to operate Station on its pre-auction channel, avoiding a loss of service to viewers, while it completes the implementation of its shared operations. Further, given that the testing period start date for transition phase 1 is not set to begin until September 14, 2018, we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition schedule.

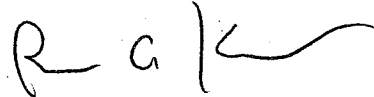
⁶ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

⁷ See LMS File No. 0000035420.

Any further requests for waiver of the channel sharing implementation deadline will not be viewed favorably.⁸

The above facts considered, Hearst Stations, Inc.'s request for waiver **IS GRANTED** and the deadline to implement its shared channel operations and to discontinue operations on its pre-auction channel for WNNE, Montpelier, Vermont, **IS EXTENDED** for 90 days to July 23, 2018.⁹

Sincerely,

A handwritten signature in black ink, appearing to read 'R. A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Stephen Hartzell, Esq.

⁸ Further requests to waive the channel sharing implementation deadline must be filed no later than May 23, 2018. *Id.* at 880, para. 70 (requests for waiver of the channel sharing implementation deadline must be filed no later than 60 days prior to the deadline).

⁹ Because the extended channel sharing implementation deadline falls on Sunday, July 22, 2018, we set Monday, July 23, 2018, as the new deadline. *See* 47 C.F.R. § 1.4.